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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA, ) Case No. CR 08-0308 MAG

Plaintiff, )

v. )

PAUL D. NIEBLAS, )

Defendant. )

**DECLARATION OF LINDA WU IN  
SUPPORT OF UNITED STATES'  
MOTION FOR SUMMONS**

I, Linda Wu, hereby declare as follows:

1. I am a law clerk in the United States Attorney's Office assigned to the prosecution of this case. I have received the following information from United States Park Rangers employed by the National Park Service and from reports and other documents provided to me by the National Park Service.

2. On or about March 14, 2008, at approximately 9:50 p.m., National Park Service Rangers Mark Andrews ("Andrews") and Michael Hardin ("Hardin"), along with Rangers James Mar ("Mar") and Krista Deal ("Deal") observed two subjects next to a fire on the sand at Ocean Beach, not in an established fire ring. One of the subjects, later identified as Paul Nieblas, Jr. ("Defendant"), was busy tending the fire as the Rangers approached. Ranger Deal observed

1 Defendant stumbling around the fire and staring at it through a camera lens. Defendant's  
2 movements gave Ranger Deal the impression that Defendant was under the influence of either a  
3 controlled substance or alcohol.

4 3. Upon approaching the defendant, Ranger Deal announced the Rangers' presence and  
5 identified herself as a Ranger. Ranger Deal noticed a glass bottle of Captain Morgan's rum  
6 alcohol lying next to the fire. While waiting for computer returns from dispatch, Ranger Deal  
7 asked both of the subjects if they had any drugs in their possession. Ranger Hardin noticed that  
8 Defendant hesitated for several seconds before answering "no". Ranger Deal noticed that  
9 Defendant's eyes kept rolling back in his head and observed Defendant stumbling backwards.  
10 When asked how much he had to drink, Defendant stated that he'd had a couple of shots.

11 4. Ranger Deal asked the individuals to walk up stairwell sixteen towards Ranger Deal's  
12 patrol vehicle. While standing less than 5 feet from Defendant, Ranger Hardin clearly saw  
13 Defendant drop a small wad of paper on the sidewalk. Ranger Hardin noticed that the sidewalk  
14 was clear of any debris resembling the item dropped by Defendant and he immediately picked  
15 the wad of paper up.

16 5. Inside the paper Ranger Hardin found three coarse red pills, each with a crab-shaped  
17 impression on one side. Ranger Hardin recognized the pills to be identical in size, shape, color,  
18 and crab-shaped impression to an ecstasy pill recently recovered by Ranger Shannon Jay ("Jay").  
19 Ranger Andrews then searched defendant but found no additional contraband. Defendant was  
20 then placed under arrest and transported to Park Police Headquarters for booking.

21 6. A Drug Enforcement Administration ("DEA") lab test for the pills was submitted and on  
22 April 24, 2008, the United States Attorney's Office received the lab test results confirming that  
23 DEA forensic chemist Kacie M. Crowther tested the three pills and they did test positive for 3,4-  
24 methylenedioxymethamphetamine, otherwise known as MDMA or ecstasy. The total amount of  
25 MDMA was approximately .90 grams.

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1 7. I declare under penalty of perjury according to the laws of the United States that the  
2 foregoing is true and correct to the best of my knowledge and belief.

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4 Executed May 12, 2008, at San Francisco, California.

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7 \_\_\_\_\_/s/  
8 LINDA WU  
9 Law Clerk  
10 United States Attorney's Office  
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